

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

SONIA HARRIS  
AND LAWRENCE HARRIS

Plaintiffs,

vs.

ASILLOYDS

Defendant.

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CIVIL ACTION: \_\_\_\_\_

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**NOTICE OF REMOVAL**

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TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

ASI Lloyds files this Notice of Removal pursuant to 28 U.S.C. §1446(a) and respectfully shows the Court the following:

*Procedural Background*

1. On or about August 5, 2016, Plaintiffs filed Plaintiffs' Original petition in the matter styled *Sonia Harris and Lawrence Harris vs. ASI Lloyds*; Cause No. 2016-CI-13110; In the 45<sup>th</sup> Judicial District Court, Bexar County, Texas. ASI Lloyds' registered agent received the citation and petition on August 22, 2016. Defendant ASI Lloyds files this Notice of Removal within the thirty-day time period required by 28 U.S.C. §1446(b).
2. Attached hereto as Exhibit "A" is the Index of Matters Being Filed. A copy of the Bexar County District Clerk's file for this case is attached as Exhibit "B," which includes true and correct copies of all executed process, pleadings and orders, and a copy of *Defendant's Original Answer*. Attached hereto as Exhibit "C" is the Designation of Counsel.

*Basis for Removal*

3. Removal is proper under 28 U.S.C. §1332(a)(1) in that there is complete diversity of citizenship.
4. Plaintiffs are, and were at the time the lawsuit was filed, citizens of the State of Texas. *See* Plaintiffs' Original Petition.
5. Defendant, ASI Lloyds, was, and at the date of this Notice remains, an association of underwriters. The individual underwriters are as follows: Tanya J. Fjare, Trevor C. Hillier, Kevin R. Milkey, Gregory E. Stewart, John F. Auer, Jr., Robert K. Munns, Jr., Edwin L. Cortez, Mary F. Bacon, Antonio Scognamiglio, and Philip L. Brubaker. Each of these underwriters is a citizen of the State of Florida "The United States Supreme Court has consistently held for over one hundred years that the citizenship of an unincorporated association [such as ASI Lloyds] is determined...solely by the citizenship of its members." *See Massey v. State Farm Lloyds Ins. Co.*, 993 F. Supp. 568, 570 (S.D. Tex. 1998); *see also Gore v. Stenson*, 616 F. Supp. 895, 898-899 (S.D. Tex. 1984) (recognizing years of Supreme Court precedent reaffirming the treatment of unincorporated associations for jurisdictional purposes). Accordingly, ASI Lloyds is not a citizen of the State of Texas.
10. The amount alleged to be in controversy greatly exceeds \$75,000. Plaintiffs' Original Petition clearly states that Plaintiffs seek damages between \$200,000 and \$200,000." *See* Plaintiffs' Original Petition. This evidence clearly demonstrates that the amount in controversy in this case exceeds the amount required to support federal jurisdiction.

*The Removal is Procedurally Correct*

11. ASI Lloyds was first served with the petition on August 22, 2016. ASI Lloyds filed this Notice of Removal within the 30-day time period required by 28 U.S.C. §1446(b).
12. Venue is proper in this district under 28 U.S.C. §1446(a) because this district and division embrace the place in which the removed action has been pending and because a substantial part of the events giving rise to the Plaintiffs' claim allegedly occurred in this district.
13. Pursuant to 28 U.S.C. §1446 (a), all pleadings, process, orders, and all other filings in the state court action are attached to this Notice.
14. Pursuant to 28 U.S.C. §1446(d), promptly after ASI Lloyds files this Notice, written notice of the filing will be given to Plaintiffs, the adverse party.
15. Pursuant to 28 U.S.C. §1446(d), a true and correct copy of this Notice of Removal will be filed with the District Clerk of Bexar County, promptly after ASI Lloyds files this Notice.

Respectfully submitted,

BROCK PERSON GUERRA REYNA, P.C.  
17339 Redland Road  
San Antonio, Texas 78247-2304  
(210) 979-0100  
(210) 979-7810 (FAX)

BY: /s/ Michael I. Ramirez  
MICHAEL I. RAMIREZ  
State Bar No. 24008604  
Email: mramirez@bpgrlaw.com  
GREGORY D. PEREZ  
State Bar No. 24082587  
Email: gperez@bpgrlaw.com

ATTORNEYS FOR DEFENDANT,  
**ASI LLOYDS**

**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing has been served in accordance with Federal Rule of Civil Procedure 5(b) on this 26<sup>th</sup> day of September 2016, to:

Shelly L. Enyart  
Speights & Worrich  
1350 North Loop 1604 E., Suite 104  
San Antonio, Texas 78232

Fax No. 210/495-6790 and/or  
Email: shelly@speightsfirm.com

/s/ Michael I. Ramirez  
MICHAEL I. RAMIREZ  
GREGORY D. PEREZ